

Senate File 342

S-3202

1 Amend the House amendment, S-3158, to Senate File 342, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 33, line 1, and
4 inserting:

5 <Amend Senate File 342, as passed by the Senate, as follows:

6 1. Title page, by striking the enacting clause and
7 inserting:

8 <BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:>

9 2. Page 1, by inserting:

10

<DIVISION I

11

PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

12

Section 1. Section 9E.1, Code 2021, is amended to read as

13

follows:

14

9E.1 Purpose.

15

The general assembly finds that individuals attempting to
16 escape from actual or threatened domestic abuse, domestic
17 abuse assault, sexual abuse, assault, stalking, or human
18 trafficking frequently establish new addresses in order to
19 prevent their assailants or probable assailants from finding
20 them. The purpose of [this chapter](#) is to enable state and local
21 agencies to respond to requests for data without disclosing
22 the location of a victim of domestic abuse, domestic abuse
23 assault, sexual abuse, assault, stalking, or human trafficking;
24 to enable interagency cooperation with the secretary of state
25 in providing address confidentiality for victims of domestic
26 abuse, domestic abuse assault, sexual abuse, assault, stalking,
27 or human trafficking; and to enable program participants to use
28 an address designated by the secretary of state as a substitute
29 mailing address for the purposes specified in [this chapter](#).
30 In addition, the purpose of [this chapter](#) is to prevent such
31 victims from being physically located through a public records
32 search.

33

Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,
34 is amended to read as follows:

35

a. "Eligible person" means a person who is ~~all~~ a resident of

1 this state, an adult, a minor, or an incapacitated person as
2 defined in section 633.701, and is one of the following:

3 (1) ~~A resident of this state.~~

4 ~~(2) An adult, a minor, or an incapacitated person as defined~~
5 ~~in [section 633.701](#).~~

6 (3) A victim of domestic abuse, domestic abuse assault,
7 sexual abuse, assault, stalking, or human trafficking as
8 evidenced by the filing of a petition pursuant to [section 236.3](#)
9 or a criminal complaint or information pursuant to section
10 [708.1](#), [708.2A](#), [708.11](#), or [710A.2](#), or any violation contained
11 in [chapter 709](#).

12 (2) A currently active or retired state or local judicial
13 officer, as defined in section 4.1, a federal judge, or a
14 spouse or child of such a person.

15 (3) A currently active or retired state or local prosecuting
16 attorney, as defined in section 801.4, or a spouse or child of
17 such a person.

18 (4) A currently active or retired peace officer, as defined
19 in section 801.4, civilian employee of a law enforcement
20 agency, or a spouse or child of such a person.

21 Sec. 3. Section 9E.3, subsection 1, paragraph b,
22 subparagraph (1), subparagraph division (a), Code 2021, is
23 amended to read as follows:

24 (a) The eligible person listed on the application is a
25 victim of domestic abuse, domestic abuse assault, sexual abuse,
26 assault, stalking, or human trafficking.

27 Sec. 4. Section 9E.3, subsection 1, paragraph e, Code 2021,
28 is amended to read as follows:

29 e. The residential address of the eligible person,
30 disclosure of which could lead to an increased risk of domestic
31 abuse, domestic abuse assault, sexual abuse, assault, stalking,
32 or human trafficking.

33 Sec. 5. Section 9E.7, Code 2021, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 4A. Upon request by a program participant,

1 the assessor or the assessor's staff shall redact the
2 requestor's name contained in electronic documents that
3 are displayed for public access through an internet site.
4 The assessor shall implement and maintain a process to
5 facilitate these requests. A fee shall not be charged for the
6 administration of this paragraph.

7 Sec. 6. Section 331.604, subsection 3, Code 2021, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. f. (1) Upon request by a peace officer,
10 as defined in section 801.4, civilian employee of a law
11 enforcement agency, or state or federal judicial officer
12 or state or federal prosecutor, the county assessor or the
13 county assessor's staff, or the county recorder or the county
14 recorder's staff, shall redact the requestor's name contained
15 in electronic documents that are displayed for public access
16 through an internet site.

17 (2) Upon request by a former peace officer, as defined
18 in section 801.4, or a former civilian employee of a law
19 enforcement agency, the county assessor or the county
20 assessor's staff, or the county recorder or the county
21 recorder's staff, may redact, upon the presentation of evidence
22 that a compelling safety interest is served by doing so, the
23 requestor's name contained in electronic documents that are
24 displayed for public access through an internet site.

25 (3) This paragraph does not apply to a requestor holding or
26 seeking public office.

27 (4) The county assessor and the county recorder shall
28 implement and maintain a process to facilitate requests
29 pursuant to this paragraph.

30 (5) A fee shall not be charged for the administration of
31 this paragraph.

32 DIVISION II

33 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

34 Sec. 7. Section 554.9510, subsection 1, Code 2021, is
35 amended to read as follows:

1 1. *Filed record effective if authorized.* A filed record
2 is effective only to the extent that it was filed by a person
3 that may file it under [section 554.9509](#) or by the filing office
4 under section 554.9513A.

5 **Sec. 8. NEW SECTION. 554.9513A Termination of wrongfully**
6 **filed financing statement — reinstatement.**

7 1. *Trusted filer.* “*Trusted filer*” means a person that does
8 any of the following:

9 a. Regularly causes records to be communicated to the
10 filing office for filing and has provided the filing office
11 with current contact information and information sufficient to
12 establish the person’s identity.

13 b. Satisfies either of the following conditions:

14 (1) The filing office has issued the person credentials for
15 access to online filing services.

16 (2) The person has established a prepaid or direct debit
17 account for payment of filing fees, regardless of whether the
18 account is used in a particular transaction.

19 2. *Affidavit of wrongful filing.* A person identified as
20 debtor in a filed financing statement may deliver to the
21 filing office a notarized, sworn affidavit that identifies the
22 financing statement by file number, indicates the affiant’s
23 mailing address, and states that the affiant believes that
24 the filed record identifying the affiant as debtor was not
25 authorized to be filed and was caused to be communicated to the
26 filing office with the intent to harass or defraud the affiant.
27 The filing office may reject an affidavit that is incomplete or
28 that it believes was delivered to it with the intent to harass
29 or defraud the secured party. The office of the secretary
30 of state shall adopt a form of affidavit for use under this
31 section.

32 3. *Termination statement by filing office.* Subject to
33 subsection 11, if an affidavit is delivered to the filing
34 office under subsection 2, the filing office shall promptly
35 file a termination statement with respect to the financing

1 statement identified in the affidavit. The termination
2 statement must identify by its file number the initial
3 financing statement to which it relates and must indicate that
4 it was filed pursuant to this section. A termination statement
5 filed under this subsection is not effective until ninety days
6 after it is filed.

7 4. *No fee charged or refunded.* The filing office shall not
8 charge a fee for the filing of an affidavit under subsection
9 2 or a termination statement under subsection 3. The filing
10 office shall not return any fee paid for filing the financing
11 statement identified in the affidavit, whether or not the
12 financing statement is reinstated under subsection 7.

13 5. *Notice of termination statement.* On the same day that a
14 filing office files a termination statement under subsection
15 3, the filing office shall send to the secured party of record
16 for the financing statement to which the termination statement
17 relates a notice stating that the termination statement
18 has been filed and will become effective ninety days after
19 filing. The notice shall be sent by certified mail, return
20 receipt requested, to the address provided for the secured
21 party of record in the financing statement with a copy sent by
22 electronic mail to the electronic mail address provided by the
23 secured party of record, if any.

24 6. *Administrative review — action for reinstatement.* A
25 secured party that believes in good faith that the filed record
26 identified in an affidavit delivered to the filing office under
27 subsection 2 was authorized to be filed and was not caused to
28 be communicated to the filing office with the intent to harass
29 or defraud the affiant may:

30 a. Before the termination statement takes effect, request
31 that the filing office conduct an expedited review of the
32 filed record and any documentation provided by the secured
33 party. The filing office may as a result of this review remove
34 from the record the termination statement filed by it under
35 subsection 3 before the termination statement takes effect and

1 conduct an administrative review under subsection 11.

2 *b.* File an action against the filing office seeking
3 reinstatement of the financing statement to which the filed
4 record relates at any time before the expiration of six months
5 after the date on which the termination statement filed under
6 subsection 3 becomes effective. If the affiant is not named as
7 a defendant in the action, the secured party shall send a copy
8 of the petition to the affiant at the address indicated in the
9 affidavit. The exclusive venue for the action shall be in the
10 district court for the county where the filing office in which
11 the financing statement was filed is located. The action shall
12 be considered by the court on an expedited basis.

13 *7. Filing office to file notice of action for*
14 *reinstatement.* Within ten days after being served with process
15 in an action under subsection 6, the filing office shall file
16 a notice indicating that the action has been commenced. The
17 notice must indicate the file number of the initial financing
18 statement to which the notice relates.

19 *8. Action for reinstatement successful.* If, in an action
20 under subsection 6, the court determines that the financing
21 statement was authorized to be filed and was not caused to be
22 communicated to the filing office with the intent to harass or
23 defraud the affiant, the court shall order that the financing
24 statement be reinstated. If an order of reinstatement is
25 issued by the court, the filing office shall promptly file a
26 record that identifies by its file number the initial financing
27 statement to which the record relates and indicates that the
28 financing statement has been reinstated.

29 *9. Effect of reinstatement.* Upon the filing of a record
30 reinstating a financing statement under subsection 8, the
31 effectiveness of the financing statement is reinstated and the
32 financing statement shall be considered never to have been
33 terminated under this section except as against a purchaser of
34 the collateral that gives value in reasonable reliance upon
35 the termination. A continuation statement filed as provided

1 in section 554.9515, subsection 4, after the effective date of
2 a termination statement filed under subsection 3 or 11 becomes
3 effective if the financing statement is reinstated.

4 10. *Liability for wrongful filing.* If, in an action under
5 subsection 6, the court determines that the filed record
6 identified in an affidavit delivered to the filing office under
7 subsection 2 was caused to be communicated to the filing office
8 with the intent to harass or defraud the affiant, the filing
9 office and the affiant may recover from the secured party that
10 filed the action the costs and expenses, including reasonable
11 attorney fees and the reasonable allocated costs of internal
12 counsel, that the filing office and the affiant incurred in the
13 action. This recovery is in addition to any recovery to which
14 the affiant is entitled under section 554.9625.

15 11. *Procedure for record filed by trusted filer.* If an
16 affidavit delivered to a filing office under subsection 2
17 relates to a filed record communicated to the filing office by
18 a trusted filer, the filing office shall promptly send to the
19 secured party of record a notice stating that the affidavit has
20 been delivered to the filing office and that the filing office
21 is conducting an administrative review to determine whether the
22 record was caused to be communicated with the intent to harass
23 or defraud the affiant. The notice shall be sent by certified
24 mail, return receipt requested, to the address provided for
25 the secured party in the financing statement with a copy sent
26 by electronic mail to the electronic mail address provided
27 by the secured party of record, if any, and a copy shall be
28 sent in the same manner to the affiant. The administrative
29 review shall be conducted on an expedited basis and the filing
30 office may require the affiant and the secured party of record
31 to provide any additional information that the filing office
32 deems appropriate. If the filing office concludes that the
33 record was caused to be communicated with the intent to harass
34 or defraud the affiant, the filing office shall promptly file a
35 termination statement under subsection 2 that will be effective

1 immediately and send to the secured party of record the notice
2 required by subsection 5. The secured party may thereafter
3 file an action for reinstatement under subsection 6 and the
4 provisions of subsections 7 through 10 are applicable.

5 **Sec. 9. NEW SECTION. 714.29 Records filed with intent to**
6 **harass or defraud.**

7 1. A person shall not cause to be communicated to the filing
8 office as defined in section 554.9102 for filing a record if
9 all of the following are true:

10 a. The person is not authorized to file the record under
11 section 554.9509.

12 b. The record is not related to an existing or anticipated
13 transaction that is or will be governed by chapter 554, article
14 9.

15 c. The record is filed with the intent to harass or defraud
16 the person identified as debtor in the record.

17 2. A person that violates subsection 1 is guilty of a simple
18 misdemeanor for a first offense and a serious misdemeanor for a
19 second or subsequent offense.

20 **DIVISION III**

21 **ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES**

22 **Sec. 10. NEW SECTION. 70A.23A Credit for accrued sick leave**
23 **— retired public safety employees.**

24 A public safety employee, as defined in section 20.3,
25 subsection 11, who retires and has applied for retirement
26 benefits under an eligible retirement system, shall receive
27 credit for all accumulated, unused sick leave which shall be
28 converted at current value and credited to an account for the
29 public safety employee for the purpose of paying the public
30 safety employee's cost of the monthly premiums for continuance
31 of the public safety employee's health insurance plan. Upon
32 the death of a retired public safety employee, the surviving
33 spouse or dependents shall be entitled to the value of the
34 accumulated unused sick leave for the purpose of paying the
35 cost of monthly premiums for continuation of a public safety

1 employee's health insurance policy for the public safety
2 employee's surviving spouse or dependents. This section
3 shall not apply to a public safety employee covered under a
4 collective bargaining agreement which provides for an employer
5 paid retirement health savings plan.

6 DIVISION IV

7 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

8 Sec. 11. Section 97A.6, subsection 11, Code 2021, is amended
9 to read as follows:

10 11. *Pensions offset by compensation benefits.*

11 a. Any amounts which may be paid or payable by the state
12 under the provisions of any workers' compensation or similar
13 law to a member or to the dependents of a member on account of
14 any disability or death, shall be offset against and payable
15 in lieu of any benefits payable out of the retirement fund
16 provided by the state under the provisions of [this chapter](#) on
17 account of the same disability or death. In case the present
18 value of the total commuted benefits under said workers'
19 compensation or similar law is less than the present value
20 of the benefits otherwise payable from the retirement fund
21 provided by the state under [this chapter](#), then the present
22 value of the commuted payments shall be deducted from the
23 pension payable and such benefits as may be provided by the
24 system so reduced shall be payable under the provisions of this
25 chapter.

26 b. Notwithstanding paragraph "a", any workers' compensation
27 benefits received by a member for past medical expenses or
28 future medical expenses shall not be offset against and not
29 considered payable in lieu of any retirement allowance payable
30 pursuant to this section on account of the same disability.

31 c. Notwithstanding paragraph "a", any workers' compensation
32 benefits received by a member for reimbursement of vacation
33 time used, sick time used, or for any unpaid time off from work
34 shall not be offset against and not considered payable in lieu
35 of any retirement allowance payable pursuant to this section on

1 account of the same disability.

2 Sec. 12. Section 97B.50A, subsection 5, Code 2021, is
3 amended to read as follows:

4 5. *Offset to allowance.*

5 a. Notwithstanding any provisions to the contrary in state
6 law, or any applicable contract or policy, any amounts which
7 may be paid or payable by the employer under any workers'
8 compensation, unemployment compensation, employer-paid
9 disability plan, program, or policy, or other law to a member,
10 and any disability payments the member receives pursuant to
11 the federal Social Security Act, 42 U.S.C. §423 et seq.,
12 shall be offset against and payable in lieu of any retirement
13 allowance payable pursuant to [this section](#) on account of the
14 same disability.

15 b. Notwithstanding paragraph "a", any workers' compensation
16 benefits received by a member for past medical expenses or
17 future medical expenses shall not be offset against and not
18 considered payable in lieu of any retirement allowance payable
19 pursuant to this section on account of the same disability.

20 c. Notwithstanding paragraph "a", any workers' compensation
21 benefits received by a member for reimbursement of vacation
22 time used, sick time used, or for any unpaid time off from work
23 shall not be offset against and not considered payable in lieu
24 of any retirement allowance payable pursuant to this section on
25 account of the same disability.

26 DIVISION V

27 CIVIL SERVICE COMMISSION EXAMINATIONS

28 Sec. 13. Section 400.8, subsection 2, Code 2021, is amended
29 to read as follows:

30 2. The commission shall establish the guidelines for
31 conducting the examinations under [subsection 1](#) of [this section](#).
32 ~~It may prepare and administer the examinations or may~~ The
33 commission shall hire persons with expertise to ~~do so if the~~
34 ~~commission approves the examinations~~ prepare and administer
35 the examinations approved by the commission. It may also

1 hire persons with expertise to consult in the preparation of
2 such examinations if the persons so hired are employed to aid
3 personnel of the commission in assuring that a fair examination
4 is conducted. A fair examination shall explore the competence
5 of the applicant in the particular field of examination.

6 Sec. 14. Section 400.9, subsection 2, Code 2021, is amended
7 to read as follows:

8 2. The commission shall establish guidelines for conducting
9 the examinations under subsection 1. ~~It may prepare and~~
10 ~~administer the examinations or may~~ The commission shall hire
11 ~~persons with expertise to do so if the commission approves~~
12 ~~the examinations and if the examinations apply to~~ prepare and
13 administer the examinations approved by the commission for
14 the position in the city for which the applicant is taking
15 the examination. It may also hire persons with expertise to
16 consult in the preparation of such examinations if the persons
17 so hired are employed to aid personnel of the commission
18 in assuring that a fair examination is conducted. A fair
19 examination shall explore the competence of the applicant in
20 the particular field of examination. The names of persons
21 approved to administer any examination under this section shall
22 be posted in the city hall at least twenty-four hours prior to
23 the examination.

24 DIVISION VI

25 PEACE OFFICERS — CARRYING FIREARMS

26 Sec. 15. NEW SECTION. 724.4D Authority to carry firearm
27 — peace officers.

28 A peace officer shall not be prohibited from carrying a
29 firearm while engaged in the performance of official duties.

30 DIVISION VII

31 SHERIFF SALARIES

32 Sec. 16. Section 331.907, subsection 1, Code 2021, is
33 amended to read as follows:

34 1. The annual compensation of the auditor, treasurer,
35 recorder, sheriff, county attorney, and supervisors shall

1 be determined as provided in this section. The county
2 compensation board annually shall review the compensation
3 paid to comparable officers in other counties of this
4 state, other states, private enterprise, and the federal
5 government. In setting the salary of the county sheriff,
6 the county compensation board shall ~~consider setting~~ set the
7 sheriff's salary so that it is comparable to salaries paid
8 to professional law enforcement administrators and command
9 officers of the state patrol, the division of criminal
10 investigation of the department of public safety, and city
11 police agencies ~~in this state~~ chiefs employed by cities of
12 similar population to the population of the county. The county
13 compensation board shall prepare a compensation schedule for
14 the elective county officers for the succeeding fiscal year. A
15 recommended compensation schedule requires a majority vote of
16 the membership of the county compensation board.

17 DIVISION VIII

18 CONFIDENTIAL COMMUNICATIONS — PEER SUPPORT — GROUP COUNSELORS

19 Sec. 17. Section 622.10, subsection 9, paragraphs a and b,
20 Code 2021, are amended to read as follows:

21 a. A peer support group counselor or individual present
22 for a group crisis intervention who obtains information from
23 an officer or a civilian employee of a law enforcement agency
24 or fire department by reason of the counselor's capacity as a
25 peer support group counselor or an individual's presence for
26 a group crisis intervention shall not be allowed, in giving
27 testimony, to disclose any confidential communication properly
28 entrusted to the counselor or individual present for a group
29 crisis intervention by the officer or civilian employee while
30 receiving counseling or group crisis intervention.

31 b. The prohibition in this subsection does not apply
32 where the officer or civilian employee has consented to the
33 disclosure of the information specified in paragraph "a" or
34 where the peer support group counselor or individual present
35 for a group crisis intervention was an initial responding

1 officer, a witness, or a party to the incident which prompted
2 the delivery of peer support group counseling services or the
3 group crisis intervention to the officer or civilian employee.

4 DIVISION IX

5 DISABILITY MEDICAL BENEFITS — IOWA PUBLIC RETIREMENT SYSTEM

6 Sec. 18. Section 97B.50A, Code 2021, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 8A. *Medical benefits.* An employer shall
9 furnish reasonable surgical, medical, dental, osteopathic,
10 chiropractic, podiatric, physical rehabilitation, nursing,
11 ambulance, and hospital services and supplies for a member who
12 is injured in the performance of the member's duties and is
13 receiving an in-service disability retirement allowance under
14 subsection 2 or has waived an in-service disability retirement
15 allowance under subsection 4, regardless of when the injury
16 occurred or when the member's in-service disability allowance
17 commenced.

18 DIVISION X

19 OFFICER DISCIPLINARY ACTIONS

20 Sec. 19. Section 80F.1, Code 2021, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 23. *a.* An officer shall not be discharged,
23 disciplined, or threatened with discharge or discipline by a
24 state, county, or municipal law enforcement agency solely due
25 to a prosecuting attorney making a determination or disclosure
26 that exculpatory evidence exists concerning the officer.

27 *b.* This subsection does not prohibit a law enforcement
28 agency from dismissing, suspending, demoting, or taking other
29 disciplinary actions against an officer based on the underlying
30 actions that resulted in the exculpatory evidence being
31 withheld. If a collective bargaining agreement applies, the
32 actions taken by the law enforcement agency shall conform to
33 the rules and procedures adopted by the collective bargaining
34 agreement.

35 Sec. 20. FUTURE REPEAL. This division is repealed July 1,

1 2022.

2 Sec. 21. BRADY-GIGLIO LIST INTERIM COMMITTEE.

3 1. The legislative council is requested to establish a
4 Brady-Giglio list interim committee for the 2021 interim. The
5 purpose of the committee shall be to do all of the following:

6 a. Study the disclosure of information contained in officer
7 personnel files as such information relates to a Brady-Giglio
8 list.

9 b. Study the efficiency of implementing a statewide system
10 for a Brady-Giglio list, identifying impartial entities to
11 conduct investigations pertaining to an officer's acts or
12 omissions to act, and recommending the appropriate procedures,
13 due process protections, appeal rights, and criteria for the
14 placement and removal of an officer's name on and from a
15 Brady-Giglio list.

16 c. Study any other issues that the committee determines
17 relevant to its objective. The committee may solicit the
18 advice or testimony of any organization or individual with
19 information or expertise relevant to the purpose of the
20 committee.

21 2. The committee shall consist of three members of the
22 senate appointed by the majority leader of the senate, two
23 members of the senate appointed by the minority leader of the
24 senate, three members of the house of representatives appointed
25 by the speaker of the house of representatives, and two members
26 of the house of representatives appointed by the minority
27 leader of the house of representatives. Additional committee
28 members shall include the commissioner of the department of
29 public safety or the commissioner's designee, a district court
30 judge appointed by the supreme court, and representatives from
31 all of the following: the Iowa county attorneys association,
32 the Iowa sheriffs and deputies association, the Iowa police
33 chiefs association, the Iowa state police association, the
34 Iowa peace officers association, the Iowa professional fire
35 fighters, the Iowa state troopers association, and the Iowa

1 state patrol supervisors association. The Iowa sheriffs and
2 deputies association member representative shall be an officer
3 who does not hold rank.

4 3. The committee shall elect a chairperson from the members
5 appointed.

6 4. The committee shall issue a report, including findings
7 and recommendations, to the governor and the general assembly
8 no later than December 16, 2021.

9 5. For the purposes of this section, "Brady-Giglio list"
10 means a list of officers maintained by the county attorney's
11 office, including officers who may not have disclosed all
12 impeachment information and officers who may have violated the
13 pretrial discovery rule requiring officers to turn over all
14 evidence that might be used to exonerate a defendant.

15 DIVISION XI

16 QUALIFIED IMMUNITY

17 Sec. 22. Section 669.14, Code 2021, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 1A. Any claim based upon an act or omission
20 of an employee of the state, exercising due care, in the
21 execution of or enforcement of any law.

22 Sec. 23. Section 670.2, Code 2021, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4. An employee is not personally liable
25 for a claim based upon an act or omission of the person taken
26 in execution or enforcement of any law except for acts or
27 omissions which involve intentional misconduct or knowing
28 violations of the law.

29 Sec. 24. Section 670.7, Code 2021, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5. The governing body of a municipality
32 shall purchase and maintain insurance or join a local
33 government risk pool pursuant to this section for claims for
34 punitive damages in tort actions for wrongful death, excessive
35 force, and arrest filed without probable cause against its

1 law enforcement and public safety officers, employees, and
2 volunteers, whether elected or appointed, arising out of an
3 alleged act or omission occurring within the scope of such
4 a person's employment or duties. The governing body may
5 purchase and maintain insurance or join a local government
6 risk pool for claims for punitive damages against its law
7 enforcement and public safety officers, employees, and persons
8 who do not receive compensation for their services for other
9 tort actions. This subsection does not waive a defense of
10 governmental immunity to any claim or action brought against a
11 law enforcement or public safety officer, employee, or a person
12 who does not receive compensation for their services.

13 DIVISION XII

14 PEACE OFFICER BILL OF RIGHTS

15 Sec. 25. Section 80F.1, Code 2021, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 2A. A formal administrative investigation,
18 informal inquiry, or interview under this chapter shall not be
19 conducted unless a complaint is filed within one hundred eighty
20 days after the alleged action occurred.

21 Sec. 26. Section 80F.1, subsections 13 and 19, Code 2021,
22 are amended to read as follows:

23 ~~13. An officer shall have the right to pursue civil remedies~~
24 ~~under the law against a citizen arising from the filing of a~~
25 ~~false complaint against the officer~~ In addition to any other
26 remedies available, an officer shall have the right to pursue
27 civil remedies under the law against any person, group of
28 persons, employer, organization, or corporation for damages
29 arising from the filing of a false complaint or any other
30 violation of this chapter including but not limited to actual
31 damages, court costs, and reasonable attorney fees.

32 19. If a formal administrative investigation results in
33 removal, discharge, suspension, or disciplinary action against
34 an officer, and the officer alleges in writing a violation of
35 the provisions of [this section](#), the municipality, county, or

1 state agency employing the officer shall hold in abeyance ~~for~~
2 ~~a period of ten days~~ any punitive action taken as a result of
3 the investigation, including a reprimand, until the conclusion
4 of any appeal or grievance exercised by the officer. An
5 allegation of a violation of **this section** may be raised and
6 given due consideration in any properly authorized grievance
7 or appeal exercised by an officer, including but not limited
8 to a grievance or appeal exercised pursuant to the terms of an
9 applicable collective bargaining agreement and an appeal right
10 exercised under **section 341A.12** or **400.20**.

11 DIVISION XIII

12 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

13 **Sec. 27. NEW SECTION. 27B.1 Law enforcement data collection**
14 **and reporting.**

15 1. Every state and local law enforcement agency shall
16 collect and compile data on each traffic, bicycle, or
17 pedestrian stop conducted by its officers, and shall report the
18 data to the attorney general on or before July 1 of each year,
19 subject to subsection 3. All of the following information
20 shall be collected and compiled for each stop, including but
21 not limited to stops that involve questioning or a driver's
22 license or motor vehicle registration check but that do not
23 result in the issuance of a written citation or warning:

24 *a.* The time, date, location, and duration of the stop.

25 *b.* The reason for the stop.

26 *c.* Whether the officer performed a driver's license or motor
27 vehicle registration check.

28 *d.* Whether the officer issued a citation or an oral or
29 written warning.

30 *e.* The offense for which the individual was warned, cited,
31 or arrested, if applicable.

32 *f.* The race, ethnicity, sex, and approximate age of the
33 individual, and whether English is the individual's primary
34 language. The identification of these characteristics shall be
35 based primarily on information obtained from the individual's

1 driver's license or nonoperator's identification card and
2 secondarily on the observations and perceptions of the officer
3 performing the stop. The officer shall not be required to
4 inquire about the individual's race or ethnicity, or whether
5 English is the individual's primary language, and shall rely
6 principally on such information encrypted on the individual's
7 driver's license or nonoperator's identification card pursuant
8 to section 321.189 or 321.190. The identifying characteristics
9 of any passenger in the motor vehicle shall also be reported
10 if the stop involved the passenger and the officer performed a
11 search.

12 *g.* Whether the officer asked for consent to search the
13 individual or vehicle and whether the individual consented to
14 the search; whether the officer searched the individual, the
15 vehicle, or any property, and the basis for the search; and
16 whether the officer seized any property, a description of the
17 property seized, and the basis for seizing the property.

18 *h.* Whether the officer used physical force against the
19 individual and whether the individual used physical force
20 against the officer.

21 *i.* Any other information which the officer or law
22 enforcement agency considers appropriate.

23 2. The attorney general shall develop a standardized form to
24 be used by law enforcement agencies in collecting, compiling,
25 and reporting the information pursuant to subsection 1.

26 3. *a.* Every state law enforcement agency, every local law
27 enforcement agency with jurisdiction over a county, and every
28 local law enforcement agency with jurisdiction over a city with
29 a population of four thousand five hundred or more shall submit
30 its first report to the attorney general on or before July 1,
31 2021.

32 *b.* Every local law enforcement agency with jurisdiction over
33 a city with a population of at least two thousand five hundred
34 but less than four thousand five hundred shall submit its first
35 report to the attorney general on or before July 1, 2022.

1 c. Every local law enforcement agency with jurisdiction over
2 a city with a population of less than two thousand five hundred
3 shall submit its first report to the attorney general on or
4 before July 1, 2023.

5 4. a. Except as otherwise provided by law, a law
6 enforcement agency shall not grant access to any personal
7 identifying information contained in the data collected by
8 the agency to any person except a federal, state, local, or
9 tribal government employee or agent who requires access to such
10 information in order to collect, compile, and report the data
11 in accordance with this section.

12 b. A law enforcement agency may permit a contractor
13 or nongovernmental entity to access personal identifying
14 information contained in the data if the contractor or
15 nongovernmental entity signs an agreement with the agency
16 which prohibits further disclosure of the personal identifying
17 information by the contractor or nongovernmental entity, and
18 if the contractor or nongovernmental entity is required by the
19 agreement to maintain adequate security measures to prevent
20 unauthorized access to the personal identifying information.

21 5. On or before December 15, 2021, and each year thereafter,
22 the attorney general shall publish a report on the attorney
23 general's internet site containing the compiled data and
24 reports received by the attorney general pursuant to this
25 section for the period ending July 1 of the calendar year in
26 which the report is published. The report shall not contain
27 any unique personal identifying information of any peace
28 officer or other person involved in a particular incident,
29 including but not limited to names and badge numbers.

30 Sec. 28. Section 321.189, subsection 2, paragraph a, Code
31 2021, is amended to read as follows:

32 a. Appearing on the driver's license shall be a
33 distinguishing number assigned to the licensee; the licensee's
34 full name, date of birth, sex, and residence address; a
35 color photograph; a physical description of the licensee;

1 the name of the state; the dates of issuance and expiration;
2 and the usual signature of the licensee. The license shall
3 identify the class of vehicle the licensee may operate and the
4 applicable endorsements and restrictions which the department
5 shall require by rule. The licensee's race and ethnicity, and
6 whether English is the licensee's primary language, shall be
7 encrypted on the back of the license.

8 Sec. 29. Section 321.190, subsection 1, paragraph a, Code
9 2021, is amended to read as follows:

10 a. The department shall, upon application and payment
11 of the required fee, issue to an applicant a nonoperator's
12 identification card. To be valid the card shall bear a
13 distinguishing number other than a social security number
14 assigned to the cardholder, the full name, date of birth,
15 sex, residence address, a physical description and a color
16 photograph of the cardholder, the usual signature of the
17 cardholder, and such other information as the department may
18 require by rule. The card shall also contain the cardholder's
19 race and ethnicity, and whether English is the cardholder's
20 primary language, encrypted on the back of the card. An
21 applicant for a nonoperator's identification card shall
22 apply for the card in the manner provided in section 321.182,
23 subsections 1 through 3. The card shall be issued to the
24 applicant at the time of application pursuant to procedures
25 established by rule. An applicant for a nonoperator's
26 identification card who is required by 50 U.S.C. app. §451
27 et seq. to register with the United States selective service
28 system shall be registered by the department with the selective
29 service system as provided in [section 321.183.](#)>

30 3. Title page, by striking line 1 and inserting <An Act
31 relating to public records including confidentiality and
32 access; uniform commercial code filings; certain employment
33 matters including certain benefits, workers' compensation,
34 civil service examinations, and sheriff salaries; certain
35 confidential communications; qualified immunity; and law

1 enforcement including peace officers and the carrying of
2 firearms, officer disciplinary actions, peace officers' bill of
3 rights, and law enforcement data collection and reporting; and
4 providing of penalties.>>

NATE BOULTON